

# **Exhibit F**

June 10, 2019

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Claimant: Robert Cardew  
82-C-0739  
Five Points Correctional Facility  
6600 State Route 96, P.O. Box 119  
Romulus, New York 14541-0119

Re: Claim Number: 921135 921135  
Claims Administrator: ESIS Claim Rep 312  
ESIS File No.: 921135  
ESIS Client: General Motors LLC  
Date/Event: May 1, 2017  
Subject Vehicle: 2008 Chevrolet Express 3500 Van  
VIN: 1GAHG39K581167537

STATEMENT OF CLAIM AGAINST GENERAL MOTORS LLC

1. On May 1, 2017, at approximately 10:30 a.m., while at Watertown Correctional Facility, 23147 Swan Road, Watertown, New York 13601-9340, I was seated in the second row passenger seat (not counting the driver's seat or seat on the right of the driver), of a 2008 Chevrolet Express 3500 Van, VIN #1GAHG39K581167537, which is owned by the State of New York Department of Corrections and Community Supervision (DOCSS) under New York State License Plate 08-196, assigned DOCSS van number RVW 68 and located at DOCSS Riverview Correctional Facility, 1110 Tibbits Drive, Ogdensburg, New York 13669-0158. This van was purchased from Hoselton Auto Mall, 909 Fairport Road, Rochester, New York 14445, sold by salesman Richard R. Perry, Salesman Number 72585, was sold on January 18, 2008, Car Deal Number 24165, Stock Number 08C1466F, Invoice Number 08C1466F and DOCSS customer number was 125090 and DOCSS Purchase Order Number A077137.

2. While sitting in this van I had to sit sideways with my feet and legs down in the doorwell of the passenger side double doors and had been this way for over an hour since there was insufficient leg room for me to sit facing forwards because I am six feet five inches tall. This improper seating and leg room caused my leg muscles to become severely cramped so it would be hard for me to walk and step down out of the said van.

3. Prior to being placed in the back of said van, on April 3, 2017, I had open heart surgery where I had Aortic Valve Replacement and I was not allowed to do anything that would cause injury to my chest area where the surgery took place for at least one year because my breastbone was stapled together with surgical staples. I was also medically precluded from pushing/pulling/lifting more than ten pounds of force on my chest area.

4. Said van was parked in front of the doorway to the DOCSS Watertown Correctional Facility Draft Processing Building where I was required to exit said van to be transferred to another van to continue on a medical trip to the DOCSS Walsh Regional Medical Unit located at DOCSS Mohawk Correctional Facility

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located at 6100 School Road, Rome, New York where I was scheduled to see a cardiologist and a medical specialist from Central New York Cardiology located in the Marion Professional Medical Building on the St. Elizabeth's Hospital Grounds, Genesee Street, Utica, New York, who were going to check my Pacemaker and medical condition after having the open heart surgery.

5. I could not exit said van facing forwards since I would have to bend over to about an eighty degree angle while balancing myself because of the low ceiling height of said van and being unable to hold onto anything since there were no hand holds and no steps except for a narrow running board narrower than the soles of my boots so I had to step out of said van backwards.

6. While exiting the van backwards while bent over to about an eighty degree angle, and with nothing to hold onto since no hand holds were available, when I stepped out onto the running board I slipped and fell sideways onto the blacktop so I fell onto my left side cutting my left arm and elbow area open and the shock of landing on my left side compressing my chest area where I had previously had open heart surgery causing me intense pain.

7. This incident took place in front of DOCCS Riverview Correctional Facility Corrections Officers C. Hewko and M. Giglio who were transporting me from DOCCS Gouverneur Correctional Facility to Watertown Correctional Facility.

8. I was taken to the DOCCS Watertown Correctional Facility Infirmary where DOCCS Registered Nurse B. Baker told me that they could not do anything about my chest pain because I was not experiencing a heart attack and since I was on my way to see a cardiologist to have this doctor look at my chest and treated my for bleeding on my arm and elbow and make out an accident report for my left arm and elbow injuries only.

9. When I arrived at DOCCS Walsh Regional Medical Unit after a two hour trip the cardiologist I was scheduled to see found that the surgical scar from my open heart surgery had opened up and fluids were coming out of it where were not there before I fell out of said van.

10. On May 3, 2017, I went to sick call at DOCCS Gouverneur Correctional Facility Infirmary located at 112 Scotch Settlement Road, Gouverneur, New York 13482-0480, because I was still having chest pains and fluids were still coming out of my chest area where I had open heart surgery and was prescribed Keflex and Cophalexin medications.

11. On May 4, 2017, I was seen by DOCCS Gouverneur Correctional Facility Doctor Robert Kasulke who was my primary care provider and chest X-rays were taken of my chest and compared to the previous X-rays of my chest taken on April 30, 2017. My April 30, 2017, X-rays showed no abnormalities and since Dr. Kasulke did not like what he saw on my May 4, 2017 X-rays, he made arrangements for an unscheduled emergency medical trip for me to see the doctor who

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performed my open heart surgery on April 3, 2017.

12. On May 5, 2017, I was taken to see Doctor Ann Cahill at the Marion Professional Medical Building located on the St. Elizabeth's Hospital Campus, Genesee Street, Utica, New York, where Doctor Cahill told me that I must have racked my chest when I fell. In other words, my fall caused both sides of my rib cage attached to my breastbone that is stapled together to move against one another injuring this area.

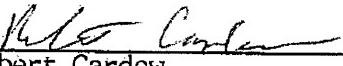
13. Dr. Cahill instructed me not to do anything else to injure this area and since none of the staples holding my chest together were broken or pulled out, the best thing to do was leave it alone and I would have to endure the pain.

14. On May 16, 2017, I was again taken to see Dr. Cahill to have her check my chest area to see if anything needed to be done from my fall out of the Chevrolet Express 3500 van.

15. I believe that General Motors LLC f/k/a General Motors Corporation and its agents, subordinates, officers, servants and/or licence's were intentionally negligent, careless and reckless in defectively designing and manufacturing the aforesaid Chevrolet Express 3500 van, VIN #1GAHG39K581167537, allowing it to become and remain in a dangerous, hazardous and defective condition constituting a trap, nuisance and hazard which was a direct result of my injuries because it had insufficient headroom, hand holds and steps to allow someone to enter/exit through the passenger side double door area which was the proximate cause of the injuries I sustained as described herein and in the documents attached hereto.

16. Therefore, I demand payment in the amount of One-Million (\$1,000,-000.00) Dollars compensatory damages for my pain, suffering and injuries.

Respectfully submitted,

  
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